

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

OCT 13 2005

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY DM  
DEPUTY CLERK

Spectrum Creations, L.P

V.

Carolyn Kinder International, LLC

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CIVIL NO. SA-05-CV-0750-XR

**SCHEDULING ORDER**

The Court has considered the Defendant's Motion to Enter Scheduling Order (**Doc. no. 9**) and will GRANT the Motion. Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court has considered the recommendations for scheduling deadlines in the above numbered and styled cause and hereby issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88(b) shall be filed by **October 28, 2005**. A list of court-approved neutrals is attached.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **November 18, 2005** and each opposing party shall respond, in writing, by **December 9, 2005**.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **February 3, 2006**.

4. All parties asserting claims for relief shall FILE their designation of potential witnesses, designation of testifying experts, and list of proposed exhibits, and shall SERVE on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by **March 30, 2006**. Parties resisting claims for relief shall FILE their designation of potential witnesses, designation of testifying experts, and list of proposed exhibits, and shall SERVE on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by **April 21, 2006**. All designations of rebuttal experts shall be FILED within 15 days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 30 days of receipt of the written report of the expert's proposed testimony, or within 30 days of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before **May 26, 2006**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

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7. All dispositive motions shall be filed no later than **June 16, 2006**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to 20 pages in length.

8. This case is set for **Pretrial Conference on Wednesday, September 13, 2006 at 9:30 A.M.** and **Trial before the Court on Monday, September 25, 2006 at 9:30 A.M.**, in Courtroom No. 3, First Floor of the John H. Wood, Jr. Courthouse, 655 E. Durango, San Antonio, Texas 78206. The parties shall file their pretrial submissions in the form set out in Rule CV-16(e) to the Local Rules for the Western District not later than **September 5, 2006**.

SIGNED this 13th day of October, 2005.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', written over a horizontal line.

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE



**LIST OF MEDIATORS  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

Revised June 29, 2005

NAME OF MEDIATOR	ADDRESS OF MEDIATOR	TELEPHONE NO.
Mr. Daniel C. Andrews	10100 Reunion Pl., Suite 600, San Antonio, TX 78216	(210) 344-3900
Mr. Keith M. Baker	8918 Tesoro Dr., Suite 418, San Antonio, TX 782170	(210) 822-1714
Mr. Emerson Banack, Jr.	745 E. Mulberry, Suite 900, San Antonio, TX 78212	(210) 736-6600
Mr. Byron E. Barnett	6838 San Pedro Ave., San Antonio, TX 78216	(210) 826-0409
Mr. Kenneth L. Bennight, Jr.	2914 Trail End Drive, San Antonio, TX 78209	(210) 826-7071
Mr. Terry S. Bickerton	3355 Cherry Ridge, Suite 200, San Antonio, TX 78230	(210) 340-9087
Ms. Cynthia Glass Bivins	112 E. Pecan St., San Antonio, TX 78205	(210) 354-1300
Ms. Judith R. Blakeway	300 Convent Street, Suite 900, San Antonio, TX 78205	(210) 250-6004
Mr. Charles Russell Bomba	11230 West Ave., Suite 3201, San Antonio, TX 78213	(210) 366-2317
Mr. Mario P. Bordini	601 N.W. Loop 410, Suite 200, San Antonio, TX 78216	(210) 524-8800
Mr. John K. Boyce III	745 E. Mulberry, Suite 850, San Antonio, TX 78212	(210) 736-2222
Mr. Roger G. Bresnahan	6919 Blanco Road, San Antonio, TX 78216	(210) 222-9494
Ms. Leslie Selig Byrd	106 S. St. Mary's Street, Suite 800, San Antonio, TX 78205	(210) 226-1166
Mr. Hope H. Camp, Jr. **	14100 San Pedro, Suite 611, San Antonio, TX 78232	(210) 495-0997
Mr. Ruben D. Campos	419 S. Presa, San Antonio, TX 78205	(210) 223-2700
Mr. Joseph Casseb	2122 N. Main Ave., P.O. Box 120480, San Antonio, TX 78212	(210) 733-6030
Mr. Allen Webster Church	9320 Berean Way, Garden Ridge, TX 78266	(210) 967-6700
Mr. John E. Clark	2122 N. Main Ave., P.O. Box 120480, San Antonio, TX 78212	(210) 733-6030
Mr. L. Dean Cobb	P. O. Box 1747, Austin, TX 78767	(512) 469-9001
Mr. K. Blake Coffee	112 E. Pecan, Suite 2600, San Antonio, TX 78205	(210) 349-0515
Mr. Gershon D. Cohen	999 East Basse Rd, Suite 180, San Antonio, TX 78209	(210) 826-7299
Mr. John Compere	725 N. Frost Center, 1250 NE Loop 410, San Antonio, TX 78209-1555	(210) 822-2018
Mr. Michael Curry, Jr.	823 Congress Ave., Suite 1100, Austin, TX 78701	(512) 474-5573
Mr. Gerald Thomas Drought	300 Convent Street, 25 <sup>th</sup> Floor, San Antonio, TX 78205	(210) 227-7591
Ms. Nissa Mykleby Dunn	4040 Broadway, Suite 525, San Antonio, TX 78209	(210) 225-5551
Ms. Helen M. Eversberg	300 Convent Street, Suite 900, San Antonio, TX 78205	(210) 250-6069
Mr. Wayne I. Fagan	219 E. Houston St., Suite 400, San Antonio, TX 78205-1457	(210) 224-4114

NAME OF MEDIATOR	ADDRESS OF MEDIATOR	TELEPHONE NO.
Mr. Stanley E. Faye	9901 IH 10 West, Suite 800, San Antonio, TX 78230-2292	(210)558-2897
Mr. Leo D. Figueroa	111 Soledad, Suite 1900, San Antonio, TX 78205	(210) 224-1054
Mr. Stephen R. Fogle	112 E. Pecan, Suite 2100, San Antonio, TX 78205	(210) 978-7720
Mr. Michael R. Ford	20003 Messina, San Antonio, Texas 78258	(210) 545-0076
Mr. John Joseph Franco, Jr.	2600 Weston Centre, 112 E. Pecan, San Antonio, TX 78205	(210) 354-1300
Mr. Edward J. Freeman	336 Rim Rock Road, Kerrville, TX 78028	(830) 895-0713
Mr. Gary L. Fuller	70 N.E. Loop 410, Suite 1100, San Antonio, TX 78216	(210) 734-7092
Mr. Juan Gallardo	5804 Babcock Road, Suite 365, San Antonio, TX 78240	(830) 980-9665
Mr. Robert E. Golden	70 N.E. Loop 410, Suite 440, San Antonio, TX 78216-5842	(210) 366-0900
Mr. Geoffrey E. Goring	224 Gardenview Dr., San Antonio, TX 78213-1909	(210) 344-3116
Mr. Samuel R. Graham	114 W. 7th Street, 800 Norwood Tower, Austin, TX 78701	(512) 476-1178
Ms. Danielle L. Hargrove	16106 Deer Crest, San Antonio, TX 78248	(210) 313-8811
Mr. Reese L. Harrison, Jr.	711 Navarro, Suite 600, San Antonio, TX 78205	(210) 224-2000
Mr. Michael R. Hedges	2122 North Main Ave., P.O. Box 120480, San Antonio, TX 78212	(210) 733-6030
Mr. Dale Hicks	115 East Travis, 1530 Milam Bldg., San Antonio, TX 78205	(210) 227-7000
Mr. James N. Higdon	12000 Huebner, Suite 200, San Antonio, TX 78230	(210) 349-9933
Mr. James M. Hill, Jr.	1580 S. Main St., Suite 200, Boerne, TX 78006	(830) 816-3333
Mr. William H. Hornbuckle, III	111 Soledad, Suite 300, San Antonio, TX 78205	(210) 299-7711
Mr. Richard H. Ihfe	7300 Blanco Rd., Suite 701, San Antonio, TX 78216	(210) 377-3706
Mr. J. Andrew Ivins	28295 IH-10 West, Suite 4-150, Boerne, TX 78006	(210) 698-1171
Mr. Gary W. Javore	5802 N.W. Expressway, San Antonio, TX 78201	(210) 733-6235
Mr. Will C. Jones IV	111 Soledad, Suite 1111, San Antonio, Texas 78205	(210) 222-1500
Mr. Tom Joseph	909 N.E. Loop 410, Suite 600, San Antonio, Texas 78209	(210) 828-9092
Mr. Joel H. Klein	6800 Park Ten Blvd., Suite 264-South, San Antonio, TX 78213-4204	(210) 734-4488
Mr. Daniel Y. Kruger	8118 Datapoint Drive, San Antonio, TX 78229-3268	(210) 614-6400
Mr. Daniel Oren Kustoff	4103 Parkdale, Suite 350, San Antonio, TX 78229	(210) 614-9444
Mr. William H. Lemons III	711 Navarro Street, Suite 210, San Antonio, TX 78205-2805	(210) 224-5079
Mr. Daniel J. Loveland	17300 Henderson Pass, #240, San Antonio, TX 78232	(210) 495-0700
Mr. M. Scott Magers	1363 Twilight Ridge, San Antonio, TX 78258-3632	(210) 545-0792
Mr. Glen D. Mangum	111 Soledad, Suite 725, San Antonio, TX 78205	(210) 227-3666
Mr. Philip Marzec	711 Navarro, Suite 100, San Antonio, TX 78205	(210) 225-0041
Mr. James A. Mayer	10100 Reunion Place, Suite 300, San Antonio, TX 78216	(210) 342-5555

NAME OF MEDIATOR	ADDRESS OF MEDIATOR	TELEPHONE NO.
Ms. Cheryl L. McMullan	111 Soledad, Suite 300, San Antonio, TX 78205	(210) 212-4076
Mr. William M. McNaught	314 E. Commerce, Suite 710, San Antonio, TX 78205	(210) 886-9022
Mr. Wallace C. Mencke **	7718 Broadway, San Antonio, TX 78209-3291	(210) 828-6777
Ms. Elizabeth Murray-Kolb **	515 East Court Street, Seguin, TX 78155	(830) 303-1099
Mr. Dan A. Naranjo **	P.O. Box 781828., San Antonio, TX 78278	(210) 344-9823
Mr. Stephen A. Nisbet	5835 Callaghan Rd., Suite 250, San Antonio, TX 78228-1125	(210) 681-1313
Mr. Marion A. Olson, Jr.	1020 N.E. Loop 410, Suite 800, San Antonio, TX 78209	(210) 824-1460
Mr. Randolph N. Osherow	342 W. Woodlawn, Suite 300, San Antonio, TX 78212	(210) 738-3001 x212
Mr. Jack Pasqual, Sr.	239 E. Commerce Street, San Antonio, TX 78205	(210) 226-5125
Mr. Michael H. Patterson	800 N.W. Loop 410, Suite 390N, San Antonio, TX 78216	(210) 308-7077
Mr. J. Randall Patterson	14800 San Pedro, Suite 120, San Antonio, TX 78232	(210) 377-3111
Mr. Larry R. Patton	7711 Broadway, #9C, San Antonio, TX 78209	(210) 821-5890
Mr. Thomas H. Peterson	P. O. Box 781245, San Antonio, TX 78278-1245	(210) 558-8585
Mr. Vick Putman	2700 Tower Life Bldg., 310 S. St. Mary's St., San Antonio, TX 78205	(210) 226-0221
Mr. Tom Reavley	1301 West 25th Street, Suite 525, Austin, TX 78705-4248	(512) 476-2464
Mr. Charles Darby Riley	320 Lexington Avenue, San Antonio, Texas 78212	(210) 225-7236
Mr. Mitchell S. Rosenheim	P.O. Box 376, Hunt, TX 78024	(830) 238-3558
Mr. Robert A. Rowland III	4605 Post Oak Pl., Suite 125, Houston, TX 77027-9729	(713) 840-1560
Mr. Mark Anthony Sanchez	115 E. Travis, Suite 618, San Antonio, TX 78205	(210) 222-8899
Mr. Charles W. Scholz	3308 Broadway, Suite 203, San Antonio, TX 78209	(210) 828-2611
Hon. William S. Sessions	2009 Pennsylvania Ave NW, Suite 100, Washington, DC 20006	(202) 955-3000
Mr. Patrick K. Sheehan	700 N. St. Mary's St., Suite 600, San Antonio, TX 78205	(210) 271-1700
Mr. Michael Shearn	112 East Pecan St., Suite 2900, San Antonio, TX 78205	(210) 229-3003
Mr. Walden E. Shelton, Jr.	8000 IH 10 West, Suite 600, San Antonio, TX 78230	(210) 696-4900
Mr. Charles L. Smith	112 East Pecan St., Suite 900, San Antonio, TX 78205	(210) 246-5611
Mr. Thomas J. Smith	700 N. St. Mary's, #1000, One Riverwalk Place, San Antonio TX 78205	(210) 227-7565
Mr. Frank R. Southers	9601 McAllister Freeway, Suite 1250, San Antonio, TX 78216	(210) 340-8880
Mr. Richard A. Sparr, Jr.	1313 N.E. Loop 410, Suite 100, San Antonio, TX 78209	(210) 828-6500
Hon. Rose Spector	816 Congress, Suite 1700, Austin, TX 78701-2443	(512) 404-7867
Mr. David Stephenson	112 E. Pecan, Suite 1500, San Antonio, TX 78205	(210) 227-7121
Mr. Stevan R. Stough	P.O. Box 700732, San Antonio, TX 78270	(210) 497-3032





UNITED STATES DISTRICT COURT  
Western District of Texas

Alternative Dispute Resolution Summary

1. Style of case: \_\_\_\_\_
2. Civil action number: \_\_\_\_\_
3. Nature of suit: \_\_\_\_\_
4. Date of Mediation: \_\_\_\_\_
5. When did the case settle? ☐ Before ADR ☐ In ADR ☐ Did Not Settle
6. What was your total fee? \$ \_\_\_\_\_ or ☐ Pro Bono
7. How was this Mediation initiated? ☐ by court order or ☐ agreement of the parties
8. Please provide the names, addresses, and telephone numbers of counsel:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

9. Additional comments: \_\_\_\_\_

\_\_\_\_\_  
Signature of Neutral

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

*Neutral must file completed form in duplicate with the U.S. District Clerk within 5 days after completion of ADR or, if settlement occurs prior to session, within 5 days of neutral's notice by the parties of settlement.*